1039915573

IN THE DISTRICT COURT OF CANADIAN COUNTY
STATE OF OKLAHOMA

IN RE: BAIL SCHEDULE　　　　　　)　　　　Case No. AO-2018-1

ADMINISTRATIVE ORDER
RE: AMENDED BAIL SCHEDULE

The purpose of this bail schedule is to provide a means for a person arrested without a warrant, or for a traffic offense, to obtain immediate release from jail without waiting to appear before a judge of the district court. At a person's first court appearance, the amount of bail, if any is allowed, shall lie with the sound discretion of the judge based upon an individualized inquiry into the amount necessary to satisfy the purposes of bail. The bail schedule set forth herein may be used as a guide for the judges of this district in the exercise of discretion in setting bail.

If a person is arrested without a warrant for a bailable violation of state law and a peace officer has reasonable cause to believe that the amount of bail set forth in this schedule is insufficient to assure the defendant's appearance or the protection of the public, the peace officer shall contact a judge of the district court and provide relevant information in support of a higher bail. Bail may then be ordered in an amount different than set forth herein.

A. Bail Not Allowed

Bail is not allowed for any person not lawfully in the United States or any person arrested for the following until the person appears before a judge of the district court:

1.　murder in the first or second degree,
2.　a violent crime that involves an attempt or intent to kill or the use of a firearm,
3.　rape in the first or second degree,
4.　lewd acts with a child,
5.　abuse, neglect, exploitation, or sexual abuse of a child,
6.　an act constituting domestic abuse, stalking or harassment,
7.　a violation of an order of protection, or
8.　aggravated trafficking or manufacture or attempt to manufacture any controlled dangerous substance.

A "violent crime" as used in this Bail Schedule is any felony offense listed in Section 571(2) of Title 57 of the Oklahoma Statutes.

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Exhibit 1

B. **Misdemeanor & Traffic Violation(s)**

1. <u>Resident of Canadian County</u>: Any resident[1] of Canadian County who is arrested by a law enforcement officer for a traffic violation or without a warrant for a misdemeanor violation of state law shall be released upon personal recognizance if:

   a. The jail staff is satisfied as to the identity of the arrested person;
   b. The arrested person was not also arrested for a felony violation of law;
   c. An outstanding appearance bond(s) does not exist for the arrested person;
   d. The arrested person acknowledges a written promise to appear on a date certain; and
   e. The violation does not constitute any of the following:
      (i)   negligent homicide,
      (ii) driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances,
      (iii) resisting or obstructing an officer, or
      (iv) eluding or attempting to elude a law enforcement officer.

   Bail shall be one thousand dollars ($1,000) for any resident of Canadian County who is arrested for a misdemeanor violation of state law listed in paragraph 1(e) above or who is not otherwise eligible for release upon personal recognizance.

2. <u>Misdemeanor Violation by Non-Resident of Canadian County</u>: Bail shall be one thousand dollars ($1,000) for any non-resident of Canadian County who is arrested by a law enforcement officer without a warrant for any misdemeanor violation of state law that does not constitute any of the following:
      (i)   negligent homicide,
      (ii) driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances,
      (iii) resisting or obstructing an officer, or
      (iv) eluding or attempting to elude a law enforcement officer.

   Bail shall be two thousand dollars ($2,000) for any non-resident of Canadian County who is arrested for a misdemeanor violation of state law listed above.

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[1] Residency shall be determined by the address provided on a current government issued license or identification card.

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Exhibit 1

3.   Traffic Violation by Non-Resident of Canadian County: The amount of bail for a non-resident of Canadian County for a violation of a Title 47 traffic law, except for negligent homicide or driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances, shall be the "minimum bond" amount set out in the most recent Uniform Oklahoma Bond Schedule as issued by the Administrative Office of the Courts.

4.   Multiple Violations: If a person is arrested for more than one violation of state law, bail shall be the combined amount provided herein for all of the violations.

C. **Non-Violent Felony Violation(s):**

1.   Resident of Oklahoma: Bail shall be five thousand dollars ($5,000) for any resident of this state who is arrested by a law enforcement officer without a warrant for a felony violation of state law that does not constitute a violent crime, except for a violation of Section 2-415 of Title 63 of the Oklahoma Statutes (trafficking in illegal drugs). Bail for any resident of this state for a violation of Section 2-415 shall be twenty-five thousand dollars ($25,000).

2.   Non-Resident of Oklahoma: Bail shall be ten thousand dollars ($10,000) for any non-resident of this state who is arrested by a law enforcement officer without a warrant for a felony violation of state law that does not constitute a violent crime, except for a violation of Section 2-415 of Title 63 of the Oklahoma Statutes (trafficking in illegal drugs). Bail for any non-resident of this state for a violation of Section 2-415 shall be fifty thousand dollars ($50,000).

3.   Multiple Violations: If a person is arrested for more than one violation of state law, bail shall be the combined amount provided herein for all of the violations.

4.   Prior Felony Conviction: If a person has a prior felony conviction, the bail amount provided herein shall be doubled.
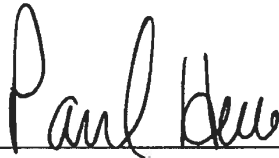
D. **Violent Felony Violation(s)**

1.   Resident of Oklahoma: Bail shall be twenty-five thousand dollars ($25,000) for any resident of this state who is arrested by a law enforcement officer without a warrant for a felony violation of state law that constitutes a violent crime if bail is otherwise allowable as provided herein.

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Exhibit 1

2. <u>Non-Resident of Oklahoma</u>: Bail shall be fifty thousand dollars ($50,000) for any non-resident of this state who is arrested by a law enforcement officer without a warrant for a felony violation of state law that constitutes a violent crime if bail is otherwise allowable as provided herein.

3. <u>Multiple Violations</u>: If a person is arrested for more than one violation of state law, bail shall be the combined amount provided herein for all of the violations.

4. <u>Prior Felony Conviction</u>: If a person has a prior felony conviction, the bail amount provided herein shall be doubled.

This Administrative Order rescinds and supersedes the Administrative Order ("Jail Bail Schedule") effective December 4, 2013, and any other administrative order(s) concerning the setting of bail.

IT IS SO ORDERED.
Dated this 30th day of May, 2018.

PAUL HESSE
DISTRICT COURT JUDGE

Exhibit 1